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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,267	09/18/2003	Ernest J. Storrer	INJS-1-1002	2266

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EXAMINER

RAGONESE, ANDREA M

ART UNIT	PAPER NUMBER
3743	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,267

Applicant(s)

STORRER, ERNEST

Examiner

Andrea M. Ragonese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031215.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the blower, the hose, the port and the manifold must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because Figures 1, 5A-5D and 6D are incomplete illustrations of the invention. Figures 1, 5A-5D and 6D should contain reference characters that correspond to elements that are described in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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4. The abstract of the disclosure is objected to because of the use of improper sentence structure. The abstract should only contain complete sentences, not run-on sentences as it currently contains. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: any notation to referenced applications should contain corresponding status. For example, any reference to application number 08/890,141 or 09/516,827 should indicate that those applications are now patented as U.S. Patent Number 5,893,216 or 6,647,639, respectively. Appropriate correction is required.

6. The disclosure is objected to because of the typographical error in paragraph 0045. Specifically, the phrase beginning with "MSOffice Mark..." should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 3, 4, 8-12 and 14-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, one of ordinary skill in the art cannot ascertain exactly what the term "strand" embodies, as recited in the specification and claims.

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Without this critical knowledge necessary for enablement, one of ordinary skill would not be able to make and/or use this invention as disclosed or claimed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. As best understood and interpreted by the Examiner, the following rejection applies. Specifically, the specification does not set forth a description that adequately defines the term "strand." This term can be broadly interpreted to encompass a single filament of material, such as plastic, that is assembled with other filaments to create a large assembly of filaments, such as a sheet of plastic.

11. **Claims 1-9 and 13-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Keslar et al. (US 3,311,517). Keslar et al. discloses a surface drying system comprising a water-permeable membrane **13**; a port **22** configured to allow water and air to pass; a vacuum source **52**; a grid **14** configured to provide a plurality of passageways permitting the travel of air and water between the surface and the membrane; and a manifold **40** having at least one nozzle **48** in fluid communication with vacuum source **52** and the port **22**. The grid **14** is constructed of a plurality of strands of plastic material and are arranged in such a pattern that they create a lattice pattern, as shown in Figure 9. The perimeter of the membrane **13** is sealed to the surface by tape **44**.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. As best understood and interpreted by the Examiner, the following rejection applies. Specifically, the specification does not set forth a description that adequately defines the term "strand." This term can be broadly interpreted to encompass a single filament of material, such as plastic, that is assembled with other filaments to create a large assembly of filaments, such as a sheet of plastic.

14. **Claims 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Keslar et al. (US 3,311,517). Keslar et al. discloses a method inherent in the use of the apparatus comprising all the limitations recited in **claims 10-12**, but does not expressly disclose using a flexible hose to connect the vacuum source **52** to the manifold **40** port **48**. At the time of the invention was made, it was well-known in the art to utilize a flexible hose in place of an evacuation pipe **50** as means for connecting a vacuum source to the element from which it is evacuating air. Therefore, it would have been obvious to one having ordinary skill in the art to substitute a flexible hose for an evacuation pipe as Applicant has done. Moreover, Applicant has not asserted that the use of a flexible hose provide(s) a particular advantage, solve(s) a stated problem or serve(s) a purpose different from that of an evacuation pipe. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with

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an evacuation pipe because it serves the purpose of evacuating air and moisture from the element which is to be dried. Therefore, it would have been obvious to modify the method inherent in the use of the apparatus of Keslar et al. to obtain the invention as specified in **claims 10-12**.

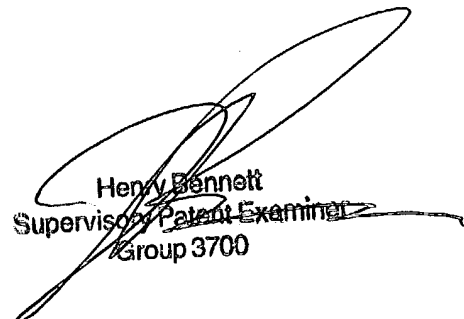
Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Andrea M. Ragonese** whose telephone number is **(703) 306-4055**. The examiner can normally be reached on Monday through Thursday from 8 am until 4 pm ET.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

AMR


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